



A handwritten signature in black ink, appearing to read "J. Craig Whitley".

J. Craig Whitley  
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
WILKESBORO DIVISION**

**IN RE:**

**JOSE J SANTILLAN-RAMOS  
SANDRA B SANTILLAN-RAMOS**

**08-50011  
CHAPTER 13**

**CONSENT ORDER RESOLVING  
OBJECTION TO CONFIRMATION**

**THIS CAUSE** coming on to be heard before the undersigned Bankruptcy Judge, and it appearing to the Court that GMAC Mortgage Corporation Servicer for Homecomings Financial, LLC ("GMAC Mortgage Corporation"), the creditor, and the Debtors ("the Parties") have agreed and consented to the entry of this Order resolving the Objection to Confirmation pursuant to the agreement of the parties as set forth below:

**NOW THEREFORE**, with the agreement and consent of the parties, the Court makes the following:

**FINDINGS OF FACT**

1. On January 7, 2008, the Debtors, Jose J Santillan-Ramos and Sandra B Santillan-Ramos, filed a petition with the Bankruptcy Court for the Western District of North Carolina under Chapter 13 of Title 11 of the United States Code.
2. On the date the petition was filed, the Debtors were the owners of real property ("Property") located at 2487 Boone Trail Road and 2483 Boone Trail Road in North Wilkesboro, NC.
3. The Property is subject to the first lien of the GMAC Mortgage Corporation by Deed of Trust recorded in the Wilkes County Public Registry ("Deed of Trust").

4. Said Deed of Trust secures a Note from the Debtors to Sidus Financial, LLC, in the original principal amount of \$63,750.00, dated January 25, 2005 ("Note").
5. The Note and Deed of Trust have been transferred and assigned to Homecomings Financial, LLC.
6. On or about January 28, 2008, GMAC Mortgage Corporation filed a secured claim that included pre-petition arrears of \$8,206.18 and a total secured claim of \$70,350.9.
7. On or about January 29, 2008 the Debtors filed an Objection to the secured claim of GMAC Mortgage Corporation.
8. GMAC Mortgage Corporation and the Debtors have agreed and consented to entry of this Order as shown by the signatures of counsel for the parties appearing below.

**NOW THEREFORE**, by virtue of the law and by reason of the premises aforesaid, and the consent of the parties, it is Ordered, Adjudged and Decreed as follows:

- A. The Parties agree that valuation of the properties and the status/validity of GMAC Mortgage Corporation's lien on the properties must be resolved in an Adversary Proceeding.
- B. An Adversary Proceeding shall be filed to determine the valuation of the real property and the status of GMAC Mortgage Corporation's lien. The plan shall not have a res judicata effect on the issues in dispute.

**This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.**

**United States Bankruptcy Court**